

FBI'S FIRST COMMUNICATION WITH KEVIN COMER

52. On May 19, 2020, an agent with the FBI received a phone call from KEVIN COMER. It was the first time COMER had tried to reach an FBI agent working this investigation. COMER informed the agent he had just recorded a conversation with NOEL BRALEY where BRALEY encouraged COMER to make false statements to the FBI. COMER wanted to provide a copy of the recording to the FBI. COMER provided a copy of the recording the same day.

53. On Wednesday, May 20, 2020, COMER sent a text message to the same FBI agent who was attempting to reach WILLIAMS advising that another federal law enforcement officer had asked him to contact the agent.

54. Later that day, two FBI agents spoke with COMER by telephone. COMER admitted he had been pretending to be an individual named JOSH WILLIAMS, and had been recording conversations with BRALEY. As such, there was no actual interaction, physical assault or corresponding video between WILLIAMS and ROSS MELLINGER. COMER stated he was acting alone and not under any direction of any law enforcement agency.

COMER HOAX CONTINUES

55. On May 20, 2020, WILLIAMS contacted BRALEY. WILLIAMS informed BRALEY federal authorities had alerted him that MELLINGER was in trouble and that MELLINGER knew what was going on. WILLIAMS implied MELLINGER had received a target letter.

56. On June 25, 2020, WILLIAMS contacted BRALEY by telephone with an update. WILLIAMS advised he had just heard from the FBI that MELLINGER was being indicted the

following week. WILLIAMS informed BRALEY he was afraid of MELLINGER and was carrying a gun for his protection. WILLIAMS added he had a concealed carry permit. BRALEY offered to give WILLIAMS a gun if he did not have one. WILLIAMS informed BRALEY he was short on money and laid off. BRALEY advised WILLIAMS he could give him a job if he needed one.

57. On July 7, 2020, WILLIAMS contacted BRALEY by phone. WILLIAMS informed BRALEY that MELLINGER had been “pulled in” by the FBI and they now want WILLIAMS to come back later in the day. WILLIAMS stated that MELLINGER was getting indicted or arrested later that week. WILLIAMS then informed BRALEY he needed \$500. BRALEY informed WILLIAMS to wait until after all of this is made public because he does not want law enforcement to get the wrong impression. After which, WILLIAMS discussed telling federal authorities he had been maced by MELLINGER. BRALEY again told WILLIAMS to just tell the truth, to not lie about what happened, and that if he told the truth he would have nothing to worry about.

58. On what is believed to be July 7, 2020, WILLIAMS and BRALEY shared the following text message exchange (below is the actual exchange, spelling errors are left as included in the copied exchange):

- WILLIAMS texted BRALEY: They changed my appointment I’m going in at 2.
- BRALEY responded: Now.
- WILLIAMS texted BRALEY: I’m scared Noel this was supposed to be safe. I don’t wanna go jail. She’s here. Have text. I’m fucked now.
- BRALEY responded: I don’t see the FBI do anything to you you’re the victim of a crime call Mike Clifford he’s a good attorney your civil rights were violated NO matter if FBI wants to do anything about him stopping your ior not.

- WILLIAMS responded: They no I lied though. I played it up like we talked. They said they knew we was talking to each other when I told them u and me dont talk.
- BRALEY responded: It's not illegal for you to talk to me I don't know why they're making a big deal out of it but they must not want to prosecute him right now.
- WILLIAMS responded: They said Mellinger didn't do anything wrong and they knew me and you was talking and said this was all to get you elected sheriff.
- BRALEY responded: They have plenty on Mellinger to arrest him if they want to there's several victims he can say all the stuff he wants but I don't make it true.
- WILLIAMS responded: Man Im worried.
- BRALEY responded: You called me out of the blue I went to the FBI or the next day and it's their job to investigate it. I Neva encouraged anyway to be dishonest.
- WILLIAMS responded: Can you or Mike Clifford still get me that money im broke big time. I just cant believe it man.
- BRALEY responded: I can see right now that I'm being set up.
- WILLIAMS responded: Who set u up. Im the one they want to put in jail now. I can't go to jail noel. What about my kids.
- BRALEY responded: If you want to talk to you face somewhere I'm not gonna be on his phone anymore. I said if you want to work for me I would pay you as a roofer.

59. On or about July 9, 2020, BRALEY contacted your affiant and wanted to know if he was in trouble with the FBI.

60. On or about July 11, 2020, the Facebook account for JJ WILLIAM posted a message alleging that BRALEY "is a joke" and wanted WILLIAMS to rig the election with a bogus lawsuit. The post alleged that BRALEY instructed WILLIAMS on how to make his story

believable to the FBI. The post ended stating, "I just hope they dont hate me but I just cant go thru with it like you wanted and now you just washed your hands of me when i needed you the most just because it didnt go your way."

61. In what appears to be another post from on or about July 11, 2020, the following was written: "I knew Noel was obsessed with his election but when he started talkin about killing mellinger I knew this was a whole new level and he just wont stop talking about it its like hes got a sickness or something."

62. In or around the time these posts were made to the JJ Williams Facebook page, three audio clips were posted to the same Facebook page lifted from the recordings WILLIAMS made with BRALEY.

INTERVIEW WITH KEVIN COMER

63. On July 23, 2020, KEVIN COMER was interviewed by your affiant and a second FBI agent familiar with the case. Prior to the meeting, FBI Agents had independently acquired and reviewed numerous recorded phone calls between COMER (pretending to be JOSH WILLIAMS) and NOEL BRALEY. KEVIN COMER brought to the interview his copies of these recordings and during the interview advised agents that it appeared the FBI already had copies of the provided recordings with the exception of one recording between him (WILLIAMS) and BRALEY.

64. During the interview, COMER advised that when he learned BRALEY was going to contact the FBI he reached out to a federal law enforcement officer who was familiar with BRALEY and COMER and requested that someone let the FBI know that BRALEY would be approaching them with the name of a victim who did not actually exist. The law enforcement officer told COMER to contact the FBI and tell them what had happened. It should be noted

(Ref paragraph 54) this contact by COMER did not occur until two months after BRALEY filed his complaint with the FBI. COMER also stated he could not tell BRALEY not to go to the FBI with his false complaint. Lastly, COMER advised he thought BRALEY was bluffing about going to the FBI because BRALEY is a criminal.

65. COMER informed your affiant he made these recordings with BRALEY because he wanted to expose his character and he wanted people to know the real BRALEY, a total criminal.

66. COMER acknowledged the JJ Williams Facebook page was "him" and the Facebook page was the on-line equivalent of his WILLIAMS persona. COMER advised that when asked about the Facebook page he would have to opt out of answering some questions because the Facebook page was "political" and several people have the password to this account. COMER advised there were more than three audio recordings that he had made with BRALEY on the Facebook page as of the date of the interview and some of the recordings were posted by COMER while some were not. COMER would not provide the name of the other individuals who had the password to the Facebook page and were posting to the site. COMER described one of these individuals as being a paramedic, last name JOHNSON. COMER advised he does not know if MELLINGER had access to the JJ Williams Facebook page.

67. COMER was shown a Facebook posting from the JJ Williams Facebook page that stated BRALEY "is a joke" and "he wanted me to help him rig his election with a bogus lawsuit", as well as other allegations against BRALEY. COMER advised he did not create this post and does not know who did.

68. COMER was shown a Facebook posting from the JJ Williams Facebook page that stated BRALEY "was obsessed with his election but when he started talking about killing

mellinger I knew this was a whole new lever and he just wont stop talking about it its like hes got a sickness or something.” COMER advised he did not create this post and does not know who did.

69. During the investigation, FBI Agents confirmed through open source searching that the JJ WILLIAMS Facebook account referenced throughout this affidavit was assigned a unique user ID: 100052197997697.

70. On July 14, 2020, FBI Agents submitted a Preservation Letter to Facebook requesting preservation of the Facebook account JJ Williams, User ID: 100052197997697. Facebook responded indicating they were in receipt of the request, and the data would be preserved for a period of 90 days.

CONCLUSION

71. Based on the foregoing, there is probable cause to believe that KEVIN COMER aided and abetted NOEL BRALEY in unwittingly making a false statement to FBI agents in violation of 18 U.S.C. § 1001 concerning the misconduct of ROSS MELLINGER against the fictitious JOSH WILLIAMS. Moreover, there is probable cause to believe that evidence of the hoax perpetrated by KEVIN COMER, and potentially others, will be found on the Facebook account user name JJ WILLIAMS, user ID: 100052197997697.

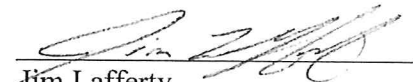
72. Additionally, there is probable cause to believe that KEVIN COMER committed a violation of 47 U.S.C. § 223 by utilizing a telephone or telecommunication device without disclosing his identity with the intent to threaten and harass NOEL BRALEY beginning on or about March 10, 2020, and the subsequent posting of misleading information to the fictitious JJ WILLIAMS Facebook account in an effort to harm NOEL BRALEY’S campaign for sheriff.

Furthermore, there is probable cause to believe evidence of this will be found on the Facebook account user name JJ WILLIAMS, user ID: 100052197997697.

73. Accordingly, your Affiant requests that the Court issue the proposed search warrant.

74. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. The government will execute this warrant by serving it on Facebook. Because the warrant will be served on Facebook, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

Respectfully submitted,



Jim Lafferty
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on Oct. 5, 2020, 2020.



DWANE L. TINSLEY
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the Facebook username “JJ WILLIAMS, UID 100052197997697” that is stored at premises owned, maintained, controlled, or operated by Facebook Inc., a company headquartered in Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook Inc. (“Facebook”), regardless of whether such information is located within or outside of the United States, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

- (a) All contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the account and all other documents showing the user’s posts and other Facebook activities from October 9, 2019, through October 1, 2020;
- (c) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them from October 9, 2019, through October 1, 2020, including Exchangeable Image File (“EXIF”) data and any other metadata associated with those photos and videos;
- (d) All profile information; News Feed information; status updates; videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends’ Facebook user identification numbers; groups and networks of which the user is a member, including the groups’ Facebook group identification

numbers; future and past event postings; rejected “Friend” requests; comments; gifts; pokes; tags; and information about the user’s access and use of Facebook applications;

- (e) All records or other information regarding the devices and internet browsers associated with, or used in connection with, that user ID, including the hardware model, operating system version, unique device identifiers, mobile network information, and user agent string;
- (f) All other records and contents of communications and messages made or received by the user from October 9, 2019, through October 1, 2020, including all Messenger activity, private messages, chat history, video and voice calling history, and pending “Friend” requests;
- (g) All “check ins” and other location information;
- (h) All IP logs, including all records of the IP addresses that logged into the account;
- (i) All records of the account’s usage of the “Like” feature, including all Facebook posts and all non-Facebook webpages and content that the user has “liked”;
- (j) All information about the Facebook pages that the account is or was a “fan” of;
- (k) All past and present lists of friends created by the account;
- (l) All records of Facebook searches performed by the account from October 9, 2019, through October 1, 2020;
- (m) All information about the user’s access and use of Facebook Marketplace;
- (n) The types of service utilized by the user;

- (o) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- (p) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;
- (q) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

Facebook is hereby ordered to disclose the above information to the government within **fourteen days** of issuance of this warrant.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of 18 U.S.C. § 2, 18 U.S.C. §1001 and 47 U.S.C. § 223 involving JJ WILLIAMS, UID 100052197997697 since October 9, 2019, including, for each user ID identified on Attachment A, information pertaining to the following matters:

- (a) Communication (posts, private messages, etc.) regarding NOEL BRALEY, KEVIN COMER, JOSH WILLIAMS, JJ WILLIAMS, MIKE CLIFFORD and/or ROSS MELLINGER; any audio files posted to the Facebook page, references to the “Federal Bureau of Investigation (FBI)” and/or “federal civil lawsuits”; and references to the 2020 Jackson County Sheriff election.
- (b) Evidence indicating how and when the Facebook account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Facebook account owner;
- (c) Evidence indicating the Facebook account owner’s state of mind as it relates to the crime under investigation;
- (d) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s).

This warrant authorizes a review of electronically stored information, communications, other records and information disclosed pursuant to this warrant in order to locate evidence, fruits, and instrumentalities described in this warrant. The review of this electronic data may be conducted by any government personnel assisting in the investigation, who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, and

technical experts. Pursuant to this warrant, the FBI may deliver a complete copy of the disclosed electronic data to the custody and control of attorneys for the government and their support staff for their independent review.

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC RECORDS PURSUANT TO
FEDERAL RULES OF EVIDENCE 902(11) AND 902(13)**

I, _____, attest, under penalties of perjury by the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this certification is true and correct. I am employed by Facebook, and my title is _____ . I am qualified to authenticate the records attached hereto because I am familiar with how the records were created, managed, stored, and retrieved. I state that the records attached hereto are true duplicates of the original records in the custody of Facebook. The attached records consist of _____ **[GENERALLY DESCRIBE RECORDS (pages/CDs/megabytes)]**. I further state that:

a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth by, or from information transmitted by, a person with knowledge of those matters, they were kept in the ordinary course of the regularly conducted business activity of Facebook, and they were made by Facebook as a regular practice; and

b. such records were generated by Facebook's electronic process or system that produces an accurate result, to wit:

1. the records were copied from electronic device(s), storage medium(s), or file(s) in the custody of Facebook in a manner to ensure that they are true duplicates of the original records; and

2. the process or system is regularly verified by Facebook, and at all times pertinent to the records certified here the process and system functioned properly and normally.

I further state that this certification is intended to satisfy Rules 902(11) and 902(13) of the Federal Rules of Evidence.

Date

Signature